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**IN THE UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

CARL SCHLACHTE and)	
NANCY SCHLACHTE)	Case No. 03:07-cv-6446-PJH
)	
Plaintiffs,)	MOTION FOR LEAVE TO FILE
)	FURTHER REPLY
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

On May 28, 2008, the Court heard arguments regarding the United States' motion for partial dismissal. During oral argument, the Court addressed its concerns regarding a taxpayer's right to amend a claim for refund that has been denied, and what constitutes a final determination by the IRS. Since this matter was of obvious concern to the Court, the Government seeks leave to file a brief not exceeding three (3) pages, limited to this issue, which will be filed no later than noon on Monday June 2, 2008.

JOSEPH P. RUSSONIELLO
 United States Attorney

/s/Thomas M. Newman
 THOMAS M. NEWMAN
 Assistant United States Attorney
 Tax Division